

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

RONALD SIMS

PLAINTIFF

V.

CIVIL ACTION NO.2:06CV78-D-A

SOUTHPOINT FINANCIAL SERVICES

DEFENDANT

REPORT AND RECOMMENDATION

This matter is before the court *sua sponte*. On October 13, 2006, the undersigned ordered that “the plaintiff shall, on or before October 31, 2006, file with the court a written statement regarding why he has failed to comply with the court’s order, whether he can establish good cause for this court to grant him an extension of the response deadline to the defendant’s motion for summary judgment, and to advise the court whether he will proceed *pro se*.” The court warned plaintiff that his failure to file a written statement with the court would result in a recommendation that this case be dismissed for failure to prosecute. Because the plaintiff has wholly failed to comply with the October order, the undersigned recommends that this action be dismissed based upon his failure to prosecute.

The parties are referred to 28 U.S.C. §636(b)(1)(B) and FED. R. CIV. P. 72(b) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within ten (10) days of this date and “a party's failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's report and recommendation within 10 days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the

district court” *Douglass v. United Services Automobile Association* , 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*) (citations omitted).

Respectfully submitted, this the 6th day of November, 2006.

/s/ S. ALLAN ALEXANDER
UNITED STATES MAGISTRATE JUDGE